

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 3163, 3167

(Jointly Administered)

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO

Debtor.

PROMESA

Title III

No. 17 BK 3283-LTS

**This Assented-To Motion relates
only to the Commonwealth and
shall only be filed in the lead
Case No. 17 BK 3283-LTS**

ASSENTED-TO URGENT MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”),² with Virgilio F. Acevedo’s (“Movant”) assent, respectfully submit this assented-to urgent motion for entry of an order,

¹The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the Department of Justice to file this Assented-To Motion on behalf of the Commonwealth.

substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Scheduling Briefing of Motion by Virgilio F. Acevedo for Relief from Automatic Stay* [ECF No. 3167] (the “Scheduling Order”).

Request for Relief

1. On May 27, 2018, Movant filed its *Motion by Virgilio F. Acevedo for Relief from Automatic Stay* [ECF No. 3163] (the “Motion”), seeking relief from the automatic stay to commence an adversary proceeding (the “Adversary Proceeding”) in Movant’s bankruptcy case in the United States Bankruptcy Court for the District of Massachusetts, Case Number 14-15154, against the Registrar of the Registry of Deeds of Aguadilla, Puerto Rico, in her official capacity, to “ascertain vested hereditary rights over a structure/gas station located in Rincon, Puerto Rico.” Motion at 3. In the alternative, Movant seeks a determination that the automatic stay does not apply to the Adversary Proceeding.

2. On May 29, 2018, the Court entered the Scheduling Order, which provides that opposition papers to the Motion must be filed by June 11, 2018, and Movant’s reply papers must be filed by June 18, 2018.

3. The Commonwealth and Movant are in the process of negotiating a possible consensual resolution of the Motion and thus, the Commonwealth and Movant have agreed to the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline to file oppositions to the Motion, or to otherwise respond, shall be extended to **June 29, 2018**.
- The deadline for Movant to file a reply to any oppositions shall be extended to **July 6, 2018**.

4. Pursuant to Paragraph 1.H of the *Fourth Amended Notice, Case Management and Administrative Procedures* [ECF No. 2839-1] (the “Case Management Procedures”), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court; and has conferred with counsel for the Oversight Board, and no party opposes the relief requested herein.

Notice

5. The Commonwealth has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors’ bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors’ case website at <https://cases.primeclerk.com/puertorico/>.

6. The Commonwealth submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Commonwealth, with Movant’s assent, respectfully requests the Court enter the Proposed Order and grant such other relief as is just and proper.

³ The “Other Interested Parties” include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

Dated: June 11, 2018
San Juan, Puerto Rico

Respectfully submitted,

WANDA VÁZQUEZ GARCED
Secretary of Justice
/s/ Wandymar Burgos Vargas
WANDYMAR BURGOS VARGAS
USDC 223502
Deputy Secretary in Litigation
Department of Justice
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Attorneys for the Commonwealth of Puerto Rico

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

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PROMESA

Title III

No. 17 BK 3283-LTS

This Order relates only to the Commonwealth and shall only be filed in the lead Case No. 17 BK 3283-LTS

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**ORDER EXTENDING DEADLINES UNDER
ORDER SCHEDULING BRIEFING IN CONNECTION WITH
MOTION BY VIRGILIO F. ACEVEDO FOR RELIEF FROM AUTOMATIC STAY**

¹The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Upon the *Assented-To Urgent Motion for Extension of Deadlines* (the “Extension Motion”);² and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306; and it appearing that venue in this district is proper pursuant to PROMESA section 307; and the Court having found that the relief requested in the Extension Motion is in the best interests of the Commonwealth and Movant; and the Court having found that the Commonwealth provided adequate and appropriate notice of the Extension Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Extension Motion; and the Court having determined that the factual bases set forth in the Extension Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Extension Motion is granted as set forth herein.
2. The deadline to file oppositions to the *Motion by Virgilio F. Acevedo for Relief from Automatic Stay* [ECF No. 3163], or to otherwise respond, shall be extended to **June 29, 2018**.
3. The deadline for Movant to file a reply to any oppositions shall be extended to **July 6, 2018**.
4. This Order resolves docket entry no. _____ in Case No. 17-3283.

Dated: _____, 2018

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Extension Motion.